

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

ISMAEL DELGADO-FERNANDEZ Plaintiff vs. RECEIVABLE MANAGEMENT SERVICES CORPORATION (RMS) Defendant) Case Number))))))))	CIVIL COMPLAINT JURY TRIAL DEMANDED
--	---	--

COMPLAINT AND JURY DEMAND

COMES NOW, Plaintiff, Ismael Delgado-Fernandez, by and through his undersigned counsel, Bruce K. Warren, Esquire and Brent F. Vullings, Esquire of Warren & Vullings, LLP, complaining of Defendant, and respectfully avers as follows:

I. INTRODUCTORY STATEMENT

1. Plaintiff, Ismael Delgado-Fernandez, is an adult natural person and he bring this action for actual and statutory damages and other relief against Defendant for violations to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

II. JURISDICTION

2. Jurisdiction of this court arises under 15. U.S.C. § 1692k(d) and 28 U.S.C. §1337.

ILCS 425/9.2(2) If the debt collector or collection agency knows the debtor is represented by an attorney with respect to such debt and has knowledge of or can readily ascertain, the attorney's name and address, unless the attorney fails to respond within a reasonable period of time to a communication from the debt collector or collection agency or unless the attorney consents to direct communication with the debtor;

ILCS 425/9.2(3)(c) If a debtor notifies a debt collector or collection agency in writing that the debtor refuses to pay a debt or that the debtor wishes the debt collector or collection agency to cease further communication with the debtor, the debt collector or collection agency may not communicate further with the debtor with respect to such debt, except to perform any of the following tasks;

1. Advise the debtor that the collector's further efforts are being terminated;
2. Notify the debtor that the collector may evoke specified remedies;
3. Notify the debtor that the collector intends to evoke a specified remedy;

ILCS 425/9.3(a) Collector has within five (5) days of the initial communication to send the debtor a written notification of which of the following disclosures;

1. The amount of the debt
2. The name of the creditor to whom the debt is owed
3. Notice of 30 days to validate the date
4. That if the debtor notifies the collector within 30 day period that the debt is disputed, the debt collector will obtain verification of the debt or a copy of the judgment against the debtor and a copy of the verification or judgment will be mailed to the debtor by the debt collector or the collection agency;

39. No debt collector while collecting or attempting to collect a debt shall engage in any of the Acts specified in this Section, each of which shall be unlawful practice.

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- a. Actual damages;
- b. Statutory damages pursuant to 15 U.S.C. § 1692k;
- c. Reasonable attorney's fees and litigation expenses, plus costs of suit; and
- d. Such additional and further relief as may be appropriate or that the interests of justice require.

V. **JURY DEMAND**

Plaintiffs hereby demand a jury trial as to all issues herein.

Respectfully submitted,

WARREN & VULLINGS, LLP

Date: April 11, 2011

BY: /s/Bruce K. Warren BKW4066
Bruce K. Warren, Esq.

BY: /s/Brent F. Vullings BFV8435
Brent F. Vullings, Esq.

Warren & Vullings, LLP
93 Old York Road
Suite 333
Jenkintown, PA 19046
215-745-9800 Fax 215-745-7880
Attorneys for Plaintiff